

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

IN RE COMMUNITYONE BANCORP
CONSOLIDATED STOCKHOLDER
LITIGATION

C.A. No. 5:16-CV-00037-RLV-DSC

CLASS ACTION

**LEAD PLAINTIFF'S UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Curtis R. Pendleton (the “Lead Plaintiff”), hereby respectfully moves this Court, pursuant to Fed. R. Civ. P. 23, for entry of the [Proposed] Scheduling Order and Order Preliminary Approving Proposed Settlement (the “Preliminary Order”)¹ that will: (1) preliminarily approving the settlement (the “Settlement”) set forth in the Stipulation of Settlement dated January 31, 2017 (the “Stipulation”); (2) preliminarily certify, for settlement purposes only, a non-opt-out class consisting of Lead Plaintiff and any and all record holders and beneficial owners of any shares of CommunityOne Bancorp at any time between and including November 23, 2015 and October 26, 2016;² (3) approve the form, manner, and content of the notice to be provided to the proposed

¹ A copy of the Preliminary Order is attached as Exhibit B to the Stipulation and has also been filed as a separate attachment for the convenience of the Court.

² Including their respective successors in interest, successors, predecessors in interest, predecessors, representatives, trustees, executors, administrators, heirs, assigns or transferees, immediate and remote, and any person or entity acting for or on behalf of, or claiming under, any of them, and each of them, but excluding Defendants, their subsidiaries or other affiliates, their assigns, members of their immediate families, officers of CommunityOne Bancorp, and the legal representatives, heirs, successors, or assigns of any such excluded person (the “Settlement Class”).

Settlement Class and order the direct mailing of the Notice to Class members;³ and (4) schedule a hearing (the “Settlement Hearing”) at which the Court will consider final approval of the Settlement.⁴

In support of this motion,⁵ Lead Plaintiff submits herewith a memorandum of law and the Declaration of James M. Wilson, Jr. in Support of Lead Plaintiff’s Unopposed Motion for Preliminary Approval of Settlement, which contains the Stipulation with all attachments, and the Preliminary Order.

DATED: February 17, 2017

Respectfully submitted,

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Co-Lead Counsel for Lead Plaintiff

³ A copy of the Notice is attached as Exhibit C to the Stipulation.

⁴ The [Proposed] Order and Final Judgment is attached as Exhibit D to the Stipulation.

⁵ Although this Motion is unopposed, this Motion and any supporting briefs for or other documents are submitted solely by Lead Plaintiff and does not represent the views of Defendants.

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CERTIFICATE OF SERVICE

This is to certify that on February 17, 2017, the undersigned attorney filed the foregoing LEAD PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT using the CMF ECF system which will send email notification of filing to the following attorneys of record:

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